

BOARD OF COUNTY COMMISSIONERS
COUNTY OF PHILLIPS, STATE OF COLORADO

November 9, 2020

Resolution No. 2020 – 11-19-08

**AUTHORIZING THE ADOPTION OF A SIX-MONTH MORATORIUM ON THE
PROCESSING OF PERMITS RELATED TO THE EXPANSION AND CREATION OF
NEW LIVESTOCK FACILITIES AND LIVESTOCK OPERATIONS WITHIN
PHILLIPS COUNTY, COLORADO.**

WHEREAS, Phillips County, Colorado (the “County”) is a political subdivision of the State of Colorado (the “State”), duly organized and existing pursuant to the laws and the Constitution of the State; and

WHEREAS, the Local Government Land Use Enabling Act, 29-20-101, et seq., C.R.S. (“Land Use Act”) and the County Planning Code, 30-28-101 et seq., C.R.S. (“Planning Code”) expressly delegate paramount authority to counties to implement land use planning and zoning on unincorporated territory within their boundaries; and

WHEREAS, the County supports harmonized development of commercial projects in Phillips County, and the expansion and creation of new livestock facilities and operations could create development that is not harmonious with adjacent land uses, and create adverse impacts to the general landscape, environment, and public facilities; and

WHEREAS, the County finds it essential to protect and preserve the environment and the public health, safety, and welfare of the County and its citizenry, and that it is in the County’s best interest, consistent with the Land Use Act and the County Planning Code, to study and review current zoning requirements pertaining to livestock facilities within Phillips County; and

WHEREAS, the County has therefore determined to study and review current zoning requirements pertaining to livestock facilities within unincorporated Phillips County to determine whether the requirements encompass those needed to protect and preserve the environment and the public health, safety, and welfare; and

WHEREAS, a temporary moratorium on all permits relating to the expansion and creation of new livestock facilities and operations would allow the County sufficient time to review, study, hold public hearings, and prepare and adopt amendments to the zoning requirements, if necessary, relating to the allowance of this specific use; and

WHEREAS, the Board hereby determines that a temporary moratorium on all processing of permits related to the expansion and creation of new livestock facilities and livestock operations located within unincorporated Phillips County is necessary and proper for the protection of the health, safety, welfare, and best interests of the inhabitants of the County of Phillips, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Phillips, State of Colorado:

THAT, the purpose of this Resolution is to enable the County sufficient time to review, study, hold public hearings, and prepare and adopt amendments to the County zoning regulations, if necessary, relating to the requirements for the expansion and creation of new livestock facilities and livestock operations within the boundaries of unincorporated Phillips County.

THAT, during a six (6) month period from and after the adoption date of this Resolution the County will not take any action on any application for a permit for the expansion and creation of new livestock facilities and livestock operations.

THAT, if the Board of County Commissioners finds the six (6) month period too long, or too brief, that the County may shorten or extend the time of the evaluation and adoption period.

THAT, is it not the purpose of this Resolution to deny development permits for other uses that are permitted by-right or special use permits, or other zoning change applications that do not

pertain to this specific use, and that comply with all applicable codes, regulations, and policies of the County, or to deny building permits.

THAT, it is further the purpose of this Resolution to fulfill the County's constitutional charge and statutory obligations to protect and preserve the environment and public health, welfare, and safety of the citizens of Phillips County, and in particular to protect the public health, welfare, and safety of the citizens and the value, use and enjoyment of real property in unincorporated Phillips County during the interim period described in this Resolution, and thus defer official governmental action until the County has properly reviewed, studied, held public hearings, and adopted amendments, if necessary to the County's zoning regulations.

THAT, for a period of six (6) months from and after the adoption date of this Resolution, ending at 11:59 p.m. on May 9, 2021:

1. No application on any expansion or creation of new livestock facilities and livestock operations may be filed, accepted, or processed by any Department, Board, Commission, or Agency of the County, except as provided in this Resolution.
2. The imposition of the moratorium is not intended to affect, nor does it affect the processing of any application for a permit that has been determined to be a complete application as of November 9, 2020.
3. The imposition of the moratorium is not intended to affect nor does it affect the processing of any application for the expansion or creation of new livestock facilities and livestock operations, the subject of which has received previous approval from any Department of the County for any level of review as of November 9, 2020.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety, and welfare of the citizens of Phillips County.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Phillips, State of Colorado, at its regular meeting held the 9 of November, 2020

Attest:

By: Madene B. Zilla
Madene B. Zilla, Clerk and Recorder

Terry L Hofmeister
Terry Hofmeister, Chairman

Harlan Stern
Harlan Stern

Don Lock
Don Lock